

**Department of Personnel Administration  
Memorandum**

**TO: Personnel Management Liaisons (PML)**

<b>SUBJECT:</b> Contracting Out Update	<b>REFERENCE NUMBER:</b> 2004-059
<b>DATE ISSUED:</b> 10/28/04	<b>SUPERSEDES:</b>

This memorandum should be forwarded to:

**Accounting Officers  
Employee Relations Officers  
Personnel Officers**

**FROM:** Department of Personnel Administration  
Labor Relations Division

**CONTACT:** Diane Navarro, Labor Relations Officer  
(916) 324-0476  
Fax: (916) 322-0765  
Email: dianenavarro@dpa.ca.gov

This memorandum updates you on the status of the Bargaining Unit 9 court case on contracting out and provides additional information on what you should provide the exclusive representatives under the contracting out provisions in the Memoranda of Understanding (MOU).

On July 30, 2004, the Superior Court issued a decision prohibiting the State and the union from implementing the BU 9 MOU contracting out provision. The case brought before the Court centered on the State's authority under Article XXII of the State Constitution to contract freely for architectural and engineering services in light of the BU 9 contracting out language. The Superior Court found that the BU 9 contracting out language violated Article XXII by establishing a policy that restricts the State from contracting freely for architectural and engineering services by giving civil service employees preference over private contractors.

This ruling impacts only the BU 9 MOU provision for contracting out of architectural and engineering services; therefore, the decision does not affect implementation of the contracting out provisions in the other BUs. Based on this ruling, the Department of Personnel Administration and the exclusive representatives from the other BUs have resumed discussions with the Joint Labor Management contracting out committees.

Departments should continue to provide the designated exclusive representatives copies of current personal services contracts, Request for Proposals (RFPs), Invitations for Bids (IFBs), Standard Form 215 – Agreement Summary (or the department's equivalent) that call for personal services found in the bargaining unit. The designated exclusive representatives are listed below.

***Bargaining Units 1, 4, 11, 14, 15, 17, 20, and 21:***

Kathleen O'Connor  
Bargaining Services  
California State Employees Association (CSEA)  
1108 "O" Street  
Sacramento, CA 95814  
(916) 326-4235  
e-mail: [koconnor@calcsea.org](mailto:koconnor@calcsea.org)

***Bargaining Unit 10:***

Kristen Haynie  
Consultant  
California Association of Professional Scientists (CAPS)  
660 J Street, Suite 480  
Sacramento, CA 95814

***Bargaining Unit 16:***

Gary Robinson  
Executive Director  
Union of American Physicians and Dentists (UAPD)  
1330 Broadway, Suite 730  
Oakland, CA 94612-2506  
e-mail: [uapd@uapd.com](mailto:uapd@uapd.com)

***Bargaining Unit 19:***

David Watson (On behalf of Pam Manwiller, American Federation of State, County and  
Municipal Employees)  
Department of Pharmacy  
Atascadero State Hospital  
PO Box 7001  
Atascadero, Ca 93423

If you have questions, please contact the DPA Labor Relations Officer for the assigned bargaining unit.

/s/Dave Gilb

Dave Gilb  
Chief of Labor Relations